

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BENNIE R. SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:11-0705
)	
JUSTIN CAGLE, Individually and in his)	Nixon/Brown
Official Capacity as an officer of the Mt. Juliet)	
Police Department, ANDY GARRETT,)	Jury Demanded
In his Official Capacity as the Chief of the Mt.)	
Juliet Police Department, and MT. JULIET, TN,)	
)	
Defendants.)	

AGREED ORDER

Upon agreement of Plaintiff and Defendants, by and through counsel, pursuant to Rule 34 of the Federal Rules of Civil Procedure and pursuant to 45 C.F.R. § 164.512(e)(1) of the Health Insurance Portability and Accountability Act (“HIPAA”), which specifically states that, “A covered entity may disclose protected health information in the course of any judicial or administrative proceeding: (I) in response to an order of a court or administrative tribunal, provided that the covered entity discloses only the protected health information expressly authorized by such order,” and for good cause shown, it is hereby

ORDERED, ADJUDGED AND DECREED that the law firms of HOWELL & FISHER, PLLC, FARRAR & BATES, LLP, and their designated representatives, shall be allowed by written request only to inspect and/or obtain **certified copies of all employment records, income tax returns, medical records, medical reports, medical charts, x-ray films, tissue slides or other laboratory specimens, diagnostic studies, pharmacy/prescription records, itemized billing records with payments-made information, insurance records, other documents or writings,**

including but not limited to, protected health information, as that term is defined in 45 C.F.R. Part 160 and Part 164 (HIPAA Privacy Rule) (collectively, the “Medical Information”), related to the care and treatment of Bennie R. Smith, whose date of birth is June 18, 19xx (last two numbers of year of birth redacted) and Social Security number is 410-35-xxxx (last four numbers redacted).

The law firms of HOWELL & FISHER, PLLC, FARRAR & BATES, LLP, or their designated representatives shall pay all costs of obtaining copies of aforesaid documents and will provide copies of said Medical Information obtained pursuant to this Order to Plaintiff’s attorney at no charge.

This Order does require the law firms of HOWELL & FISHER, PLLC, FARRAR & BATES, LLP, or their designated representatives, to notify Plaintiff’s attorney in writing if records are reviewed but not copied, and such notification shall specify in sufficient detail which records have been reviewed but not copied.

This Order does **not** permit ex parte communications between the lawyers or their representatives and the health care providers.

The information obtained through use of this Order may only be used or disclosed for the purposes of this litigation or proceeding. Except with the prior written consent of the producing party, the information produced pursuant to this Order shall not be disclosed to any person other than (a) counsel for the parties; (b) employees or agents of counsel for the parties; (c) any current or former employee of a party, to the extent deemed necessary by counsel for the production or defense of this litigation; (d) experts and consultants retained for the prosecution or defense of this litigation; (e) any authors or recipients (in the ordinary course of the health care provider’s business) of the Medical Information; or (f) the Court, court personnel, court reporters and witnesses.

This Order shall expire upon final disposition of this case and the law firms of HOWELL & FISHER, PLLC, FARRAR & BATES, LLP, or its designated representatives, and shall be prohibited from using the Order thereafter. All information obtained pursuant to this Order and all copies thereof will be destroyed or safely archived within a reasonable time period after the conclusion of this litigation or proceeding, whether by trial, appeal, settlement or other final conclusion.

ENTERED this 29th_ of August, 2011.

/S/ Joe B. Brown

JUDGE

APPROVED FOR ENTRY:

THE LAW OFFICE OF DAVID M. DiSCENZA

/s/ David M. DiScenza by SWE with permission

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In His Official Capacity as Chief
of the Mt. Juliet Police Department and Mt. Juliet, TN